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December 7, 2009

VIA ELECTRONIC FILING

Hon. Joel Schneider, U.S. Magistrate Judge
United States District Court of New Jersey
Mitchell H. Cohen Building & U.S. District Courthouse
Room 2060
Fourth & Cooper Streets
Camden, New Jersey 08101

RE: *Opperman v. Allstate New Jersey Ins. Co.; USDC, D. of N.J. Civil No. 07-1887*

Dear Judge Schneider:

The parties are submitting this joint letter in advance of the upcoming status conference which is presently set for December 8, 2009. The parties have met and conferred about the status of the case, and present the following proposed pre-trial plan.

On November 13, 2009, the district court denied plaintiffs' motion for class certification. On November 30, 2009, plaintiffs filed a petition for permission to appeal that ruling pursuant to Federal Rule of Civil Procedure 23(f). That matter is presently pending before the Third Circuit Court of Appeals. As a result, the parties first propose that the Court enter a temporary stay of the case pending the determination of the appeal.

If a temporary stay is not acceptable to the Court, then the parties would propose the following discovery plan:

- Fact Discovery Closes: February 15, 2010;
- Plaintiffs' Disclosure of Experts: March 1, 2010
- Defendants' Disclosure of Experts: April 1, 2010
- Expert Discovery Closes: May 1, 2009
- The matter to be set for trial in the late-Summer or early-Fall 2010.

The parties have met and conferred about selecting a course of action for Alternative Dispute Resolution ("ADR"). If the appeal is denied, the parties have agreed to enter into informal settlement discussions between counsel in an attempt to resolve the case. If those discussions are not fruitful, the parties are willing to consider engaging in a settlement


conference or private mediation.

Thank you for your consideration of this letter.

Respectfully submitted.

Very truly yours,

KAHN BROWN & POORE LLP

A handwritten signature in black ink, appearing to read 'David M. Poore', with a stylized flourish at the end.

David M. Poore

DMP:lt

cc: All Counsel (via ECF filing)